

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DIVISION OF TEXAS
WACO DIVISION**

JANE DOE 1, et al

Plaintiffs

v.

BAYLOR UNIVERSITY,

Defendant

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Civil Action No. 6:16-CV-173-RP

**CONFIRMATION OF SERVICE OF DOCUMENT LOG
AND RELIANCE ON OBJECTIONS BY NON-PARTY JIM DOAK**

TO THE HONORABLE JUDGE OF SAID COURT:

1. Having previously responded to three (3) sets of subpoenas, on October 11, 2018, non-party Jim Doak provided a detailed email¹ with a log of documents in his possession that are potentially responsive to Plaintiffs' Subpoenas to Produce Documents.² Contrary to Plaintiffs' assertions, Doak was not attempting to thwart the discovery process. Nor is Doak being controlled or represented by Baylor. With the exception of his Separation Agreement with Baylor from 2014, the documents identified on his log were all received during the course and scope of his employment with Defendant Baylor University, in his capacity as Chief of Police, and are all documents that, if within the scope of permissible discovery for this matter, are available through a party and/or upon information and belief have already been produced or are being withheld because Baylor has asserted an attorney-client privilege or a work product privilege.

¹ Email dated October 11, 2018 from David Deaconson to Jim Dunnam and Chad Dunn. (Redacted)

² On August 23, 2018, Plaintiffs' counsel served a Subpoena to Testify at a Deposition in a Civil Action ("Third Subpoena") which commanded Doak to appear for a deposition and produce documents on October 9, 2018, in Waco, Texas. Counsel for the parties were advised that counsel for Doak had a prior trial setting on the date selected by Plaintiffs. Doak's counsel offered to work with Plaintiffs' counsel to reschedule the deposition, but Plaintiffs' counsel has not attempted to reschedule. The Third Subpoena also commanded production of 57 categories of documents at the deposition [See DKT. 514-1]. These are the same categories of documents previously sought from Doak, and the undersigned responded on his behalf on June 15, 2018 (the "Second Subpoena"). [DKT. 334-1]

2. Plaintiffs' counsel made no effort to conference with counsel for Doak regarding the status of his responses and/or objections to any of the subpoenas (let alone the third subpoena) or to advise of outstanding issues prior to filing their Advisory with the Court on January 16, 2019. Plaintiffs' counsel has ignored Doak's counsel's emails regarding documents. To date Doak's counsel has never had a conversation with Mr. Dunn.

3. Doak has asserted his objections to production of his Separation Agreement in three (3) separate filings. Doak has advised Plaintiffs and Defendant Baylor of the limited documents he has and his belief these documents are still governed by FERPA, as the only basis for his possession of those documents came from his duty as Baylor's Chief of Police until June 2014.

4. Doak requests that the Court rule on his objections and determine the applicability of FERPA to the Baylor documents in his possession.

Respectfully submitted,

By: David N Deaconson

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of January, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties of record.

*David N Deaconson*_____

DAVID N. DEACONSON